

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Randall Erwin Latimer,)	C/A No. 6:11-3259-JFA-KFM
)	
Plaintiff,)	ORDER
vs.)	
)	
Bill Byers, et al.,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Randall Latimer, brings this action pursuant to 42 U.S.C. § 1983. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the plaintiff's motion for default judgment (ECF No. 43) against the defendants should be denied because the defendants timely answered the complaint.


The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 26, 2012. The plaintiff, however, did not file any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff's motion for default judgment is denied. The Clerk shall return this file to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

May 21, 2012
Columbia, South Carolina